

(PRE-FILED)

By: **Chairman, Finance Committee (By Request - Departmental - Lottery)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Lottery - Agents - Licensing Considerations and Application**
3 **Processing Fee**

4 FOR the purpose of adding to the factors the Director of the State Lottery Agency is
5 required to consider before issuing a lottery license to an applicant; authorizing
6 the State Lottery Agency to charge an application processing fee; and generally
7 relating to the licensing of State lottery agents.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 9-112
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Government**

16 9-112.

17 (a) In accordance with the regulations of the Agency and this subtitle, the
18 Director shall issue licenses to the persons and governmental units that will best
19 serve the public convenience and promote the sale of State lottery tickets or shares.

20 (b) Before issuing a license to an applicant, the Director shall consider such
21 factors as:

22 (1) the financial responsibility and security of the applicant and the
23 business or activity of the applicant;

24 (2) THE HONESTY AND INTEGRITY OF THE APPLICANT, INCLUDING BUT
25 NOT LIMITED TO, WHETHER THE APPLICANT HAS PLED GUILTY TO OR BEEN
26 CONVICTED OF ANY FELONY, OR PLED GUILTY TO OR BEEN CONVICTED OF ANY
27 GAMING-RELATED OFFENSE OR TO ANY MISDEMEANOR RELATED TO THE FITNESS,

1 QUALIFICATIONS, OR CREDIBILITY OF THE APPLICANT TO PERFORM AS A LOTTERY
2 SALES LICENSEE;

3 [(2)] (3) the accessibility of the place of business or activity to the public;

4 [(3)] (4) the sufficiency of existing licenses to serve the public
5 convenience; and

6 [(4)] (5) the volume of expected sales.

7 (c) The Director may not issue a license to:

8 (1) a person or governmental unit to engage in business primarily as a
9 licensed agent; or

10 (2) an individual who is under the age of 21 years.

11 (D) (1) WITH THE APPROVAL OF THE COMMISSION, THE AGENCY MAY
12 CHARGE AN APPLICANT A FEE SUFFICIENT TO COVER THE AGENCY'S COSTS
13 ASSOCIATED WITH PROCESSING AN APPLICATION.

14 (2) THE AGENCY SHALL ADOPT REGULATIONS SPECIFYING THE COSTS
15 AND THE METHODOLOGY ASSOCIATED FOR DETERMINING THE FEE.

16 [(d)] (E) The Commission may hear and decide an appeal of a denial of a
17 license.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2004.